IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 34 OF 2005

MR.GANESH KRISHNA SHETGAONKAR AND 3 ORS., ...Appellants

Versus

MR.CHANDRAKANT S.SHETGAONKAR AND ANR., ...Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. Kamaxi Sambari, Advocate for the appellants.

Coram:- R. M. LODHA, J.

Date:- 29th September, 2005

P.C.

Heard Mr. S. D. Lotlikar, the learned Senior Counsel for the appellants. I perused the Judgment of the appeal Court as well as the trial Court. The appeal Court held that the plaintiffs had been able to prove that they were in lawful possession of the suit paddy field admeasuring 6770 sq. metres in the property bearing Survey No.241/0, situate at Morjim. The appeal Court also held that the property was identifiable. Though the Judgment of the appeal Court is that of reversal, upon perusal of the impugned Judgment and Order I find that the appeal Court has considered the evidence on record in right perspective and the findings of the appeal Court do not suffer from any infirmity of law. Needless to say that the persons other than the parties in the suit are free to prosecute independent proceedings if they intend to challenge the certificate dated 30.10.1996 issued by the Mamlatdar. However, in so far as the parties in the suit are concerned, they are bound by the Judgment of the appeal Court

No substantial question of law arises. The appeal is dismissed in

limine with the aforsaid clarification.

R. M. LODHA, J.

ssm.